

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Rule making related to ignition interlock devices

The Transportation Department hereby amends Chapter 615, “Sanctions,” and Chapter 620, “OWI and Implied Consent,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 307.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321.218 as amended by 2021 Iowa Acts, House File 757, section 1, and chapter 321J as amended by 2021 Iowa Acts, House File 757, sections 2 to 7.

Purpose and Summary

This rule making updates Chapters 615 and 620 to comply with 2021 Iowa Acts, House File 757, sections 1 to 7.

House File 757 authorizes a person with no previous operating while intoxicated (OWI) conviction or revocation to install an ignition interlock device (IID) only on the vehicle(s) the person intends to operate while driving on a temporary restricted license (TRL) rather than on every vehicle the person owns or operates. Prior to this legislative change, any person serving a driver’s license sanction for an OWI offense was required to install an IID on every vehicle the person owned or operated as a condition of obtaining a TRL, even if it was the person’s first OWI offense. The law continues to require a person serving a second or subsequent OWI offense to install an IID on every vehicle the person owns or operates as a condition of obtaining a TRL. The legislation also eliminated the prohibition against issuing a TRL to a person serving a driver’s license sanction for driving while the license was revoked or suspended under Iowa Code sections 321.218 or 321J.21.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on August 11, 2021, as **ARC 5858C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on September 15, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by 2021 Iowa Acts, House File 757.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on November 10, 2021.

The following rule-making actions are adopted:

ITEM 1. Rescind and reserve paragraph **615.45(1)“e.”**

ITEM 2. Amend rule **761—615.45(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code chapter 321A and sections 252J.8, 321.177, 321.178, 321.184, 321.185, 321.186, 321.189, 321.191, 321.193, 321.194, 321.201, 321.205, 321.209, 321.210, 321.210A, 321.212, 321.213A, 321.213B, 321.215, 321.218 as amended by 2021 Iowa Acts, House File 757, section 1, 321.513, 321.560 and 321J.17.

ITEM 3. Amend rule 761—620.2(321J) as follows:

761—620.2(321J) Information and location. Applications, forms, information, assistance, and answers to questions relating to this chapter are available by mail from the ~~Driver and Identification Services Bureau~~ Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)244-8725; or by facsimile at (515)239-1837.

ITEM 4. Strike “driver and identification services bureau” wherever it appears in rules **761—620.3(321J)** and **761—620.4(321J)** and insert “motor vehicle division” in lieu thereof.

ITEM 5. Amend subrule 620.3(2) as follows:

620.3(2) Additional requirements. A person applying for a temporary restricted license shall also comply with all of the following requirements:

a. Provide a description of all motor vehicles ~~owned or~~ operated under the temporary restricted license if the person has no previous operating while intoxicated conviction or revocation. If the person has a second or subsequent operating while intoxicated conviction or revocation, the person shall provide a description of all motor vehicles owned by such person or operated under the temporary restricted license.

b. No change.

c. Provide certification of installation of an approved ignition interlock device on every motor vehicle ~~owned or~~ operated if the person has no previous operating while intoxicated conviction or revocation. If the person has a second or subsequent operating while intoxicated conviction or revocation, the person shall provide certification of installation of an approved ignition interlock device on every motor vehicle owned by such person or operated under the temporary restricted license.

d. No change.

ITEM 6. Amend **761—Chapter 620**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~chapters~~ chapter 17A and; chapter 321J as amended by 2021 Iowa Acts, House File 757, sections 2 to 7; and sections 321.193, 321.201, 321.376 and 707.6A.

[Filed 9/15/21, effective 11/10/21]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/6/21.